

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JULY 1, 2009 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present with the exception of Councilor Simmons. Also present was Ms. Karen Mahalick, Planning & Zoning Manager and Administrator as well as Ms. Estefanie Muller, Clerk-Treasurer.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF THE AGENDA.

MOTION: Councilor Abrams made a motion to approve the Agenda as presented. Councilor Felton seconded the motion.

Councilor Abrams thanked Staff for the changes to the Agenda format.

VOTE: Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

4. APPROVAL OF THE CONSENT AGENDA.

- A. E.V.E.D.A Agreement from July 1, 2009 - June 30, 2010.
- B. E.B.R.A Agreement from July 1, 2009 – June 30, 2010.
- C. Chamber of Commerce Lease Agreement – July 1, 2009 – June 30, 2010.
- D. Regular Council Meeting Minutes of June 17, 2009.
- E. Acknowledge Receipt of Planning & Zoning Commission Meeting Minutes of June 15, 2009.
- F. Completion of Employee Performance Evaluations per Personnel Ordinance No. 2003-5

MOTION: Councilor Felton made a motion to approve the Consent Agenda. Councilor Abrams seconded for discussion.

Councilor Abrams asked about the Chamber of Commerce agreement and if it was the same and had been reviewed by Legal Council. Staff reported yes. Councilor Felton thanked staff for their work on the E.V.E.D.A. Agreement.

At this time Councilor Simmons was present.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Initials

5. MATTERS FROM THE MAYOR.

G. Results from NM American Water – Results of Rate Case in Clovis, NM. Mayor Stearley reviewed the Results of the Rate Case in Clovis for the Council. Councilor Hill requested clarification of the retention of Mr. David Henderson and if it would be required.

Ms. Mahalick stated this would be to let him know that the Town was interested but a retainer would not be required.

Councilor Simmons asked about the annexation process and how many people would the Town be representing if a case materializes.

Councilor Hill stated he would like to ask Legal Council some questions about this process.

Ms. Mahalick offered to place this item on the next Agenda as the Attorney would be present then.

MOTION: Councilor Abrams made a motion to acknowledge the Results of Rate Case in Clovis. Councilor Simmons seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

H. Approval to Retain Mr. David Henderson – Rate Case.

MOTION: Councilor Abrams made a motion to table this Item until the next Council meeting when Legal Council is in attendance. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Mayor Stearley discussed his meeting with Commissioner Brasher and their mutual concerns regarding public health and the Plague. He added that there was great concern for the First Responders and exposure to these types of diseases. Councilor Abrams stated that two of his Energy Committee members had resigned leaving 3 members and he requested names of possible new members. He added that the Committee had accomplished a great deal in the effort to complete Grant applications, however only having 3 members is not an adequate representation of the Community.

Councilor Abrams recommended that the Council take a look at some of the trails or lack thereof, as it can be dangerous trying to get around either on horseback or on foot.

Councilor Hill reminded the Council of the Municipal League Conference in September, he encouraged attendance and added that it was going to be held in Albuquerque.

Initials

Councilor Simmons discussed a meeting in Santa Fe she attended. She added that there was also an Alternative Energy Meeting in Santa Fe tomorrow.

7. MATTERS FROM THE ATTORNEY.

None.

8. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Ms. Sue West discussed restrictions on Fireworks asking that the local paper list the restrictions and that the Town consider a ban for next year because it is very dry. She also discussed litter and anti-blight and the fact that Citizens complaints need to be directed to the Town offices.

Mr. Chuck Ring discussed the GRT taxes that this community pays for a train that does not come to the area. He also asked for information regarding the Energy Committee and how to become a member as well as for an update on the Stimulus Applications.

Mayor Stearley responded that none of the Mayors who attended the Mayor's Caucus Luncheon today in Peralta had seen any of the Stimulus funds.

Mr. Jim Frost thanked the Town for their involvement on behalf of E.V.E.D.A.

9. RESOLUTIONS.

I. Resolution No. 2009-24 Budget Line Item Transfers.

Ms. Mahalick reviewed this Item for the Council detailing the handout and explaining items. She added that staff would bring a Budget Line Item Transfer Resolution to the Council at the next meeting.

MOTION: Councilor Simmons made a motion to approve Resolution No. 2009-24 Budget Line Item Transfers. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

J. Resolution No. 2009-27 – A Resolution to bring Bond Issues before the Voters.

Councilor Abrams introduced this Resolution to the Council and public.

Mayor Stearley acknowledged that all of the Council would like to see these items and asked if Councilor Abrams would like a work session on this in conjunction with the ICIP.

Councilor Hill stated he had some questions for Legal Council but that this does need to move forward as quickly as possible.

Ms. Mahalick responded this is not a legal form according to the Attorney and there is a specific format for putting together a Bond Resolution.

Initials

Councilor Hill asked for clarification from the Attorney so there would not be anything in the Bond Election that is illegal. He added that he did not think these funds could be used for maintenance, that bond funding could only be used for Capital Improvements and that there are different types of bonds. He also requested a work session.

Mayor Stearley stated he would like to hear the Attorneys comments on this before making a decision.

MOTION: Councilor Simmons made a motion to table this item pending Attorney review. Councilor Felton seconded for discussion.

Councilor Felton asked if there was maybe a different way to approach this and the possibility of directing staff to gather information and schedule for a special session.

Councilor Abrams offered to make an amendment to the Resolution to satisfy these issues.

VOTE: Councilor Abrams voted nay. Councilor Felton voted nay.
Councilor Hill voted nay. Councilor Simmons voted nay. The motion did not pass.

Councilor Felton stated he would like to make a motion on the Resolution with the amendment to the language as outlined by Councilor Abrams stating the intent of the Governing Body to pursue a set of Bond Issues.

Mayor Stearley read the changes to the Resolution.

Ms. Mahalick respectfully requested the Council consider removing the Sewer Lines from the Resolution as the bid will complete the lines.

MOTION: Councilor Felton made a motion to approve Resolution 2009-27 with amendments to the language to read as follows:

Now therefore be it resolved that the intent of the Governing Body of the Town of Edgewood is to bring before the voters a set of Bond Issues, at the earliest reasonable date, to finance and build those public projects and services for which design funding has been allocated by the State or which the Town has planned and promised for many years.

1. Road Construction and improvements
2. The construction of a multipurpose municipal facility (on Section 16).
3. Recreational Facilities – playing field expansion (on Section 16).
4. Trail improvement.

Councilor Abrams seconded the motion as stated.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye.
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

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Ms. Mahalick added she had contacted Mr. Paul Cassidy and he is willing to talk to the Council regarding the Finance plan and discuss the options.

K. Resolution No. 2009-28 – Concerning Recreation/Educational Programs. Councilor Simmons discussed this Item and stated she would like to make some amendments to the language.

Councilor Abrams contributed some language he had been working on.

Councilor Felton stated he felt a Resolution was not the right strategy and added some language that he had come up with.

Councilor Simmons stated all of the Council seems to be on the same page and suggested collaborating the input from the other Councilors and reworking the wording.

MOTION: Councilor Simmons made a motion to table Resolution 2009-28 for an opportunity to reword some items and bring it back to Council at a later date. Councilor Hill seconded the motion.

Councilor Felton discussed some of the comments he had received from the public regarding this Resolution and he clarified the difference between a Proclamation and a Resolution.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

L. Resolution No. 2009-29 – A Budget Resolution to Fund Installation of Wind Generation Equipment for Town Offices.

Councilor Abrams presented this Resolution for the Council and public and asked for their support.

Mayor Stearley asked Councilor Abrams if he had inspected the property and determined that placement of the generator would be suitable for this location.

Councilor Abrams responded that he had not, but that the Grant was not in place either.

Mayor Stearley added that he felt a tall turbine would not be practical at the Town Offices when considering the fall zone.

Councilor Abrams and Councilor Hill stated there was not an Ordinance in place governing fall zones.

Mayor Stearley asked for clarification from Ms. Mahalick regarding the Towns obligation to match Grant funds in the amount of \$25,000.00.

Initials

Ms. Mahalick stated there was a match requirement but that the match funds could not be expended prior to the awarding of the Grant.

Mayor Stearley asked if this Resolution was premature.

Councilor Hill asked for clarification on the location of the generator as stated in the Grant application.

Ms. Mahalick stated the location listed on the Grant was the 1911 Old Highway 66.

Mayor Stearley asked if the purpose of this Resolution was to provide the funding for the Grant.

Councilor Abrams stated it was.

Ms. Mahalick added the Grant gives the Town 90 days from the contract award to be fully operational but does not reference which contract.

Councilor Felton asked if the Grant is awarded and the Town had not passed this Resolution then it will have to be advertised for consideration at a future meeting.

Mayor Stearley stated he would be more comfortable if the Resolution specifically stated it was to provide matching funds for the Grant.

Councilor Hill added that he feels the funds should be budgeted whether for matching the Grant, and if that is denied, then for the demonstration project because the intent is for the Town to put \$25,000.00 towards the concept of renewable and sustainable energy.

Ms. Mahalick stated that staff would still need to present a Budget Resolution for approval because this is not the appropriate format for moving funds from one place to another. She added that she could amend this one and bring it back or create a new Budget Resolution for this purpose.

Councilor Simmons asked for clarifications regarding the amount of the Grant, what all it would pay for and if the tower can not be placed at the Town Offices, and if there is an option to place it at the Sewer Plant.

Councilor Abrams responded it was specific to the Town offices and the amount was in the neighborhood of \$85,000.00.

Mayor Stearley asked about the 30 day deadline for the bid process, review and award.

Councilor Abrams responded stating that the time limits were quite strict.

Mayor Stearley added that regardless of the Grant this Resolution states that Staff only had 30 days to bring forward a recommendation for a bid award.

Councilor Abrams stated this was correct but that he was agreeable to the modification of the wording in the Resolution.

Mayor Stearley requested that Council direct Staff to bring forward a Budget Resolution that is appropriate for supporting this Grant as he does not feel that this Resolution accomplishes that.

Councilor Hill clarified that a Budget Resolution would be needed also but that this is a different intent.

Councilor Felton suggested that it be worded to state that a bid package be prepared.

Councilor Hill added they could instruct staff to prepare a bid package within 30 days.

Ms. Mahalick stated there is not anything in the Zoning Ordinance regarding Wind Towers, it is considered a permissive use, and it is not listed and some sort of provisions do need to be brought forward to address this specific use. Mayor Stearley stated he felt the least attractive device should be erected for demonstration purposes. Councilor Hill stated the greater issue is alternative energy production not aesthetics.

MOTION: Councilor Felton made a motion to approve Resolution 2009-29 with an amendment to the language as follows:

Now therefore be it resolved that a budget adjustment be made to set aside funds in the amount of twenty five thousand dollars (\$25,000.00) for the purchase and construction of a wind generator on a fixed monopole to be located on the grounds of the current Town Offices and that a draft bid package be prepared by Staff and brought before for Council for review within (30) days of the passage of this Resolution.

Councilor Abrams seconded the motion as amended.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

M. Resolution No. 2009-30 Adoption of the Department of Finance & Administration Mileage and Per Diem Act.

Ms. Muller reviewed this item for the Council outlining the reason for the increase.

Councilor Hill requested an amendment to the language so that this rate is permanently anchored to the Department of Finance & Administration Mileage and Per Diem.

Councilor Hill read the amendments as they would appear in the Resolution for the Council.

MOTION: Councilor Hill made a motion to adopt Resolution 2009-30 with the following amendments to the language.

Whereas, the Governing Body in and for the Town of Edgewood, New Mexico hereby desires conformance by reference as attached the Department of Finance and Administration's Regulations Governing the Per Diem and Mileage Act; and

Whereas, this Resolution No. 2009-30 supersedes Resolution No. 2003-10.

Initials

Now Therefore Be it Resolved by the Governing Body in and for the Town of Edgewood, New Mexico hereby approves adoption by reference ongoing, the Department of Finance and Administration's Regulations Governing the Per Diem and Mileage Act.

Councilor Simmons seconded the motion as amended.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Councilor Abrams requested that a copy of the Resolutions passed tonight, with amendments, be provided for the Council.

10. COMMUNITY DEVELOPMENT REPORT – Ms. Karen Mahalick.

N. Approval to go out to bid for Construction of the Soccer Fields.

Ms. Mahalick reviewed this item for the Council outlining the cost for the entrance to the fields.

Mayor Stearley stated he was in favor of this and that it is affordable.

MOTION: Councilor Felton made a motion to approve going out to bid for the Construction of the Soccer Fields. Councilor Hill seconded for discussion.

Councilor Felton asked where the funds would come from.

Mayor Stearley stated there are funds in the reserve account at the end of this budget year.

Councilor Hill added there was the potential to fund a road improvement and recreational field package via a Bond Financing Mechanism.

Councilor Felton stated when the voters approve road improvements he did not think they had turning lanes on 344 in mind and he would like to see that go towards paving the Towns own arterials.

Councilor Hill stated the turning lanes were a significant safety factor as well.

Councilor Felton stated for the purposes of a Bond Issue the appropriate thing would be to characterize this as part of recreational fields.

Councilor Simmons added this would signal to the Community at large that the Town was moving onto Section 16.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

O. Sewer Rate Study.

Ms. Mahalick reviewed this item for the Council and asked if they had any comments on the information she had provided to them.

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Mayor Stearley stated he was comfortable with the rates but requested the Engineer provide support on the figure they presented for the hookup fees. Councilor Hill clarified this fee is a hookup fee to the sewer not an impact fee and the amount listed seems reasonable. He also asked what this fee covers. Ms. Mahalick stated she would bring the justification of the fees to the Council. Mayor Stearley and Council discussed items that would be covered by the hookup fees and at what point the lines are the Towns responsibility.

P. Planning & Zoning Commission Report.

- Wind Ordinance.

Ms. Mahalick asked the Council to comment on the items called out by the Commission.

The Council discussed the 5 items called out and gave recommendations. The Council discussed at length the size of the wind generators, the size of the lot, and the fall zones. They also discussed the idea of utilizing wind generators to supply electricity for subdivisions when applicable. Council took a brief recess to look at a wind generator that was within view of the Community Center.

- Re-Zoning Policies.

Ms. Mahalick reviewed this item for the Council and asked if they had any comments or questions.

Councilor Felton commented on 2 items listed on the attachment and stated they may be to general or broad.

Ms. Mahalick responded stating proposed land changes are usually broadly considered on the basis of Public health, safety and welfare and she gave some examples of commercial industry that the Town would not want to ignore.

Councilor Felton stated the issue he had was when the statement extends to the community at large and not just adjacent properties.

Ms. Mahalick stated number 6 could be left out because the Zoning Ordinance, number one, presently addresses this basic purpose and does not need to be reiterated.

Ms. Mahalick described the concepts of public health, safety and welfare for the Council.

Councilor Simmons suggested some changes to the language on a couple of the listed items on the attachment.

Ms. Mahalick reviewed the procedure for zone change permitting and adequate facilities to uphold the requested zoning.

Councilor Hill discussed the difference between property rights and privileges.

Q. Award of the Wastewater Collection Lines.

Ms. Mahalick reviewed this item for the Council and gave the amount of the low bid and stated it had been confirmed by the Engineer. She requested awarding of the bid to J & H Services pending approval of NMED. She added that all of the bids were very close and the references for J & H had been checked.

MOTION: Councilor Felton made a motion to award the Bid for the Wastewater Collection lines to J & H Services. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

R. Request to Amend the Sign Ordinance – deleting “Open House” signs. Ms. Mahalick reviewed an issue in the Ordinance regarding Temporary Signs and asked Council how they would like to handle the problem. Council and Staff discussed some of the options regarding Open House Signs. Ms. Mahalick stated she could make the Open House Signs part of the Ordinance to read similar to Temporary Signs by removing the proximity statement and then bring it back for Council review.

S. Discussion and Review of the I.C.I.P. (due September 2009). Ms. Mahalick reviewed this item for the Council and stated she would like to schedule the work session. Council agreed to look at scheduling this work session at the end of the Meeting.

11. DISCUSSION OF JOB DESCRIPTIONS FOR TOWN ADMINISTRATOR, CLERK-TREASURER AND POLICE CHIEF.

T. Salary Level for the Police Chief. Ms. Mahalick reviewed this item for the Council and outlined some of the modifications to the job descriptions for all three positions. Councilor Hill asked for some clarification from Councilor Felton and some of the wording in the job description for the Police Chief. Councilor Felton discussed moving some things around. Council and Staff also discussed amendments to the Clerk-Treasurer and Administrator Job Descriptions. Ms. Mahalick discussed some discrepancies on the Police Chief Pay Plan and asked for approval from Council to advertise the rate presented tonight for the position. She added Staff would make the changes to the job descriptions and pay plan accordingly and bring a Resolution for all the positions before the Council at a later date.

12. ANNOUNCEMENTS & CALENDAR REVIEW.

U. Regular Council Meeting – July 15, 2009.
V. Regular Council Meeting – August 5, 2009.

Note: The Town Hall Offices will be closed on Friday, July 3, 2009 in observance of 4th of July.
Mayor Stearley reviewed these items for the Council and public.

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13. FUTURE AGENDA ITEMS.

W. Santa Fe County Presentation – Chief Stan Holden.

X. Infill Annexation – Mr. Marcus Rael, Town Attorney.

Y. Public Hearing – Stone Mountain.

Mayor Stearley reviewed these items for the Council and public.

Councilor Felton asked to schedule a policy discussion regarding the structure of the Parks & Recreation Subcommittees.

Ms. Mahalick clarified that there were currently two active committees.

Councilor Felton asked to illustrate his concern by stating the Resolution presented tonight regarding recreational and educational programs is a good example of what can happen. He added that these committees were intended to be advisory and he would like to see them get back to that.

Council Hill requested this be placed on the Agenda for the second meeting in August.

Council discussed and agreed to schedule a Workshop Meeting for August 12 at 6:00 P.M.

14. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn. All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 9:25 P.M.

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer